IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2746 OF 2005
IN
CRIMINAL APPEAL NO. 15 OF 2004

Mr. Sunil Motiram Katke .. Applicant
(Org.Accd.No.4)

Vs.

The State of Maharashtra .. Respondent

Ms. V.L. Kalekar for applicant.
Ms. P.H. Kantharia, APP for Respondent-State.

CORAM: S.S. PARKAR & ANOOP V. MOHTA,JJ.

Date : August 19, 2005.

P.C.:

1. Heard. The applicant is original accused no.4 who was convicted for offence of murder. His earlier application for bail was rejected by this Court on 9th August, 2004 in Criminal Application No.1781 of 2004. In the previous order, while rejecting the application, it was observed that P.W.1 had deposed that on the date of the incident, before the shooting of the deceased took place, this applicant had made inquiry twice from the witnesses whether the deceased

had arrived in the office or not. This applicant was also having motive in as much as he was removed from the services. From the evidence of witnesses annexed to this application, it appears that this applicant had told P.W.2 that he was going to murder the deceased and had asked him to accompany him for which he would get handsome emoluments, obviously in murdering the deceased. But the witness had refused to accompany him for the said purpose. One month thereafter this applicant had also told him that he received one gun and again asked him whether he would join him in the operation of killing the deceased. This witness was also serving in A.P.M.C. market, Vashi.

2. In the aforesaid circumstances, this application for bail cannot be granted. However, since the applicant and the co-accused - original accused no.2, are in custody from the date of arrest i.e. for a period of more than two and half years, the alternative prayer for expediting the hearing of the appeal can be granted.

3. In the result, the prayer for bail is rejected. However, the hearing of the appeal is expedited. The applicant is allowed to get the appeal paper book prepared at his cost, as prayed. After the appeal paper book is ready, the applicant will have liberty to apply for fixing the appeal for hearing.

The application is disposed off accordingly.

(S.S. Parkar,J.)

(Anoop V. Mohta,J.)